

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

In re: **JOSEPH WONGBE COOPER** : **5:21-bk-02689-MJC**
And **WANDA LYNN COOPER** : Chapter 13
Debtors :
:

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY
PENN ESTATES PROPERTY OWNERS ASSOCIATION**

Now comes Penn Estates Property Owners Association, Inc. (the “Association”) and objects to confirmation of the above Debtors’ Chapter 13 plan, and in support thereof avers:

1. The plan cannot be confirmed since it fails to comply with 11 U.S.C. §1322, 11 U.S.C. §1325(a)(1), 11 U.S.C. §1325(a)(5)(B), L.B.R. 3015-4, for the reason that the Debtors have failed to properly take into consideration the Association’s full secured claim and undervalued their real property.
2. The Association has a security interest in the amount of \$21,883.87 in Debtors’ real property located in the Penn Estates planned community, Stroud Township, Monroe County, PA. Said statutory lien was created pursuant to the Uniform Planned Community Act (“UPCA”), 68 Pa.C.S.A. § 5315. With interest over the life of the plan, the Association’s claim totals \$31,236.87.
3. Debtor’s plan seeks to pay only \$2,140.80 as a secured claim.
4. The UPCA provides as follows: “(e) Limitation of actions. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien or actions or suits to recover sums for which subsection (a) establishes a lien are instituted within four years after the assessments become payable.”
5. In this case, the Association instituted actions to recover sums for which the lien was established on August 5, 2015, when it filed a civil complaint docketed at MJ-43302CV0000165-

2015, on December 28, 2017, when it filed a civil complaint docketed at MJ-43302CV0000337-2017 and on October 20, 2021, when it filed a civil complaint docketed at MJ-43302CV0000417-2021.

6. As such, the Association's UPCA lien extends from August 5, 2011 through the present.

7. The Plan also contains a Paragraph 9(B) which reads: "Confirmation of this Plan shall constitute a finding that the real property known as 16 Reston Drive, East Stroudsburg, Monroe County, Pennsylvania, hereinafter referred to as the "Property", shall a value of \$ 162,500, for all purposes."

8. The Plan at Par. 9(F) further provides: "This Plan provides for the avoidance of the entirety of the judgment lien of Penn Est. Property Owners Assoc.. See Section 2.G, above. A copy of this Plan and the Discharge Order entered in the case may be filed in the appropriate office of the Court of Common Pleas of Monroe County to demonstrate the judgment lien of Penn Est. Property Owners Assoc., was avoided."

9. Upon information and belief, the plan greatly undervalues the property as its true fair market value is in excess of \$270,000.00.

10. Moreover, even if the Judgment Lien is avoided, the UPCA statutory lien would survive and must be paid through the plan.

WHEREFORE, the Plan should be amended to reflect the true fair market value of the property and include the full amount of the Association's secured claim.

YOUNG & HAROS, LLC

/s/ NICHOLAS CHARLES HAROS, ESQ.

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2022, I electronically filed the foregoing
Objection with the Clerk of the Court and served said Objection upon all counsel of record
via the Court's electronic filing system:

Zac Christman on behalf of Debtor 1 Joseph Wongbe Cooper
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